

## REPORT

*Of the Committee on Pensions and Revolutionary Claims, on the petition of Thomas Cox, and others.*

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FEBRUARY 4, 1824.

Read: Ordered, that it lie upon the table.

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The Committee of Pensions and Revolutionary Claims, to whom was referred the petition of Thomas Cox, and others, have had the same under consideration, and make the following

### REPORT THEREUPON:

The petitioners state, that, from the infirmities with which they are severally and severely afflicted, by reason of wounds, received in the service of the United States, during the late war between the United States and Great Britain, they find it impossible to support themselves and families comfortably; that they are often reduced to great want, and that every year adds to their sufferings. They, therefore, on behalf of themselves, and of all the wounded and disabled pensioners in the United States, on the list of pensions, who have lost limbs, or otherwise totally disabled, solicit that some further provisions may be made by Congress for their support, and that they may receive such further allowance as may be thought adequate for a total disability. By the 1st section of an act to provide for persons who were disabled by known wounds, received in the Revolutionary war, passed the 10th of April, 1806, it is enacted, "that any commissioned or non-commissioned officer, musician, soldier, marine, or seaman, disabled in the actual service of the United States, while in the line of his duty, by known wounds, received during the Revolutionary war, and who did not desert the service; or who, in consequence of disability as aforesaid, resigned his commission, or took a discharge; or who, after incurring disability as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole until the close of the said Revolutionary war; or who, in consequence of known wounds received as aforesaid, has at any period since become, and continued disabled, in such manner as to render him unable to procure a subsistence by manual labor; whether such officer, musician, soldier, marine, or seamen, served as a

volunteer in any proper service against the common enemy, or belonged to a detachment of the militia which served against the common enemy, or to the regular forces of the United States, or of any particular state, he shall, upon substantiating his claim, in the manner described in said act, be placed on the pension list of the United States, during life, or the continuance of such disability, and be entitled, under the regulations mentioned in said act, to receive such sum as shall be found just and proper, by the testimony adduced." The 6th section of this act declares, "that a full pension given by this act to a commissioned officer, shall be one-half of the monthly pay legally allowed, at the time of incurring said disability, to his grade, in the forces raised by the United States; and the proportions less than a full pension, shall be the correspondent proportions of said half pay; and a full pension to a non-commissioned officer, musician, soldier, marine, or seaman, shall be five dollars a month, and the proportions less than a full pension, shall be the like proportions of five dollars a month; but no pension of a commissioned officer shall be calculated at a higher rate than the half-pay of a lieutenant-colonel." This act was limited in its operation to six years, but was revived, and continued in force for six years longer, by an act of the 25th April, 1812; again revived, and continued in force for one year longer, by the act of the 15th May, 1820; and lastly, revived, and continued in force for six years longer, by the act of February 4th, 1822. The law of the 25th of April, 1808, provides, "that any officer, non-commissioned officer, musician, or private, who *has been* wounded or disabled *since* the Revolutionary war, while in the line of his duty, in the actual service of the United States, whether he belong to the military establishment, or the militia, or any volunteer corps, called into service under the authority of the United States, may be placed on the pension list of the United States, at such rate of compensation, and under such regulations, as are prescribed by the act before referred to." By the 14th section of the act, entitled "An act fixing the military peace establishment of the United States," approved 16th March, 1802, it is provided, "that if any officer, non-commissioned officer, musician, or private, in the corps composing the peace establishment, shall be disabled, by wounds or otherwise, while in the line of his duty, in public service, he shall be placed on the list of invalids of the United States, at such rate of pay, and under such regulations, as may be directed by the President of the United States for the time being: Provided always, That the compensation to be allowed for such wounds or disabilities to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer, at the time of his being disabled or wounded, and that no officer shall receive more than the half-pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month: And provided, also, That all inferior disabilities shall entitle the person so disabled, to receive an allow-

ance proportionate to the highest disability." This provision is referred to, and recognized, by the act of the 12th of April, 1808, entitled "An act to raise, for a limited time, an additional military force," and the act of the 3d of March, 1815, fixing the military peace establishment of the United States. By the act of the 24th of April, 1816, the pensions of the following persons, then on the military pension roll of the United States, were fixed at the following sums: a first lieutenant, \$17; a second lieutenant, \$15; a third lieutenant, \$14; an ensign, \$13; and a non-commissioned officer, musician, or private, \$8 per month; and for disabilities of a degree less than the highest, a sum proportionably less. It was further provided, that all persons, of the aforesaid ranks, who might thereafter be placed on the military pension roll of the United States, should, according to their ranks and degrees of disabilities, be placed on at the aforesaid rates of pensions, in lieu of those theretofore established: Provided, That nothing in said act contained, should be construed to lessen the pension of any person, who, by special provision, should be entitled to a higher pension than in said act provided. The 3d section of this act declares, "that all laws and regulations relating to the admission of the officers and soldiers of the regular army to be placed on the pension roll of the United States, shall, and they are hereby declared to, relate equally to the officers and soldiers of the militia, whilst in the service of the United States." Whilst your committee sincerely sympathise with the petitioners in their misfortunes, they cannot, consistently with a due regard to the public interests, recommend an increase of their pensions. To provide for those who have been disabled in the service of their country, is an acknowledged duty of the Government; but this duty has already been performed, under the influence of no narrow or contracted feelings, but in a manner highly creditable to the national gratitude. The existing provision in favor of the invalid soldier is believed to be as liberal as a just economy in the application of the public resources will justify. Individual cases may possibly exist, the peculiar circumstances of which might, perhaps, make it proper to exceed the full pension as at present fixed by law. These cases, however, can, and ought to be, provided for by special acts of legislation. Your committee, therefore, recommend the adoption of the following resolution:

*Resolved*, That it is inexpedient to grant the prayer of the petitioners.

